

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 09 DEC 2005

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Applicant's or agent's file reference MAH-PCT-1103	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IN2003/000386	International filing date (<i>day/month/year</i>) 10.12.2003	Priority date (<i>day/month/year</i>) 20.10.2003
International Patent Classification (IPC) or both national classification and IPC B65D77/04		
Applicant THADANI, Mahesh		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 13.01.2005	Date of completion of this report 08.12.2005
Name and mailing address of the international preliminary examining authority: <div style="display: flex; align-items: center;"> <div> European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tcx 523656 epmu d Fax: +49 89 2399 - 4465 </div> </div>	Authorized Officer Bevilacqua, V Telephone No. +49 89 2399-7983



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/IN2003/000386**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-9 as originally filed

Claims, Numbers

1 received on 21.11.2005 with letter of 08.11.2005

Drawings, Sheets

1/2, 2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1
	No: Claims	
Inventive step (IS)	Yes: Claims	1
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: WO 02/46060 A (SABATHIEL GUNDOLF ;EBEWE ARZNEIMITTEL (AT)) 13 June 2002 (2002-06-13)
- D2: GB-A-2 240 332 (RUDLAND CHRISTOPHER NOEL) 31 July 1991 (1991-07-31)
- D3: WO 01/00505 A (LATYPOV NURAKHMED NURISLAMOVIC ;NERUSHAI SERGEI ALEXEEVICH (RU)) 4 January 2001 (2001-01-04)

Document D1 which is considered to represent the most relevant state of the art, discloses a combination from which the subject-matter of claim 1 differs in that:

the bottle is a polymer bottle;

the body of the receptacle is outer grooved, said external grooves and said internal ribs extending along the full length of of said body;

said minimum internal width of the body and of the cup of the receptacle is sufficient for a standard 12 oz can to be stored therein and

the internal eight of the closed receptacle is bigger than the eight of standard 12 oz can providing additional place for a limited quantity of ice cubes..

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

The problem to be solved by the present invention may therefore be regarded as how to provide the simplest possible drink insulating device to be used also with standard cans.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

As the applicant states, even if the skilled person would have been able to combine the teachings of D2 with the teachings of D1 in order to obtain an insulating receptacle able to contain a bottle and a can, the combination of these two documents would not be enough to lead the skilled person to provide additional place for ice cubes.

On the other hand the teaching of D3, disclosing such a place for ice cubes, would not

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lead, in combination with D1 to a "remove to drink bottle" and to a receptacle having dimensions adapted to standard cans.

D3 and D1 would not be combined also because that the requirement of mechanical protection of wo024606 are incompatible with this provision of additional place for ice cubes as it is claimed in claim 1.

In view of that the skilled person would not regard it a normal design procedure to combine all the features set out in claim 1.

CLAIMS

1. The combination of a reusable Bottle for carrying cold water and an insulatory Receptacle for said Bottle, whereby said Receptacle is single walled, portable and made of a rigid polymer, and comprises a cylindric Body open at a first end thereof and closed at the second end thereof, said Body being hollow, straight walled, standable and having on its inner side vertical inwardly spaced ribs, and a cylindric upper Cup open at a first end thereof and closed at the second end thereof, said upper Cup being hollow, straight walled, standable, flat based and shorter than the Body, and whereby said Bottle is closure capped and has a maximum external width which is slightly less than the minimum internal width of said Body and of said Cup, and is therefore able to be stored in a standing, base resting, body mostly spaced apart, restrained position inside of said Body, with the top of said closure Cap top being kept down by the flat inner surface of said closure Cup, characterized in that the Bottle is a polymer Bottle, the Body of the Receptacle is outer grooved, said external grooves and said internal ribs extending along the full length of said Body, said minimum internal width of said Body and of said Cup of said Receptacle is sufficient for a standard 12 oz can to be stored therein and the internal height of closed said Receptacle is bigger than the height of standard 12 oz can, so providing additional place for a limited quantity of ice cubes.
